Remarks

These remarks are responsive to the Office action dated August 4, 2008. Prior to entry of this response, claims 1-15, 18, 19, 21-32, and 34-41 were pending in the application. By way of this response, claims 1, 2, 31, 36-39, and 41 are amended, and claims 42-44 are added. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

Allowable Subject Matter

Claim 31 has been rewritten to overcome the rejection(s) under 35 U.S.C. 101 and 112, 2nd paragraph, set forth in the Office action, and to include all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the indication of allowable subject matter.

Rejections under 35 U.S.C. § 103

Claims 1-2, 10-14, 37, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable by the video game Fall Out 2 as evidenced by "Desslock: Fall out 2: game review" and www.nma-fallout.com and Baldur's Gate 2 as evidenced by "Baldur's Gate 2: Shadows of Amn" by Al Giovetti and further in view of the game "The Sims" which was released on January 31, 2000 as evidenced by the screenshots and review found on www.gamespot.com written by Andrew Seyoon Park on February 11, 2000.

Applicant respectfully traverses the rejection of claims 1, 37, and 39, but nonetheless amends independent claims 1, 37, and 39 to further distinguish the cited references. Amended claim 1 recites:

> "A method executed on a computing device for controlling a non-player character in a computer game, the method comprising:
> displaying a real-time game play interface depicting a game environment on a display of the computing device;
> providing a squad of user-commandable characters in the game environment of the real-time game play interface, the squad including a player character and at least one non-player character, the non-player character being commandable via the player character;
> displaying a non-player character interface including an emotional state indicator that indicates a current emotional state of the non-player character and one or more user selectable command icons for issuing a

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command to a non-player character by a user commanded player character, wherein the real-time game play interface is suspended when the non-player character interface is displayed;

detecting a predefined game event;

adjusting a current emotional state of the non-player character based on the game event in the non-player character interface; and

selecting a non-player character reaction based on the current emotional state of the non-player character;

wherein if the current emotional state of a non-player character reaches a predetermined state, the non-player character becomes unable to respond to one or more commands of the player character, and one or more corresponding command icons is displayed as unselectable in the non-player character interface, by altering an appearance of the one or more command icons."

Example embodiments illustrating the claimed features are shown in Fig. 6 reproduced below.
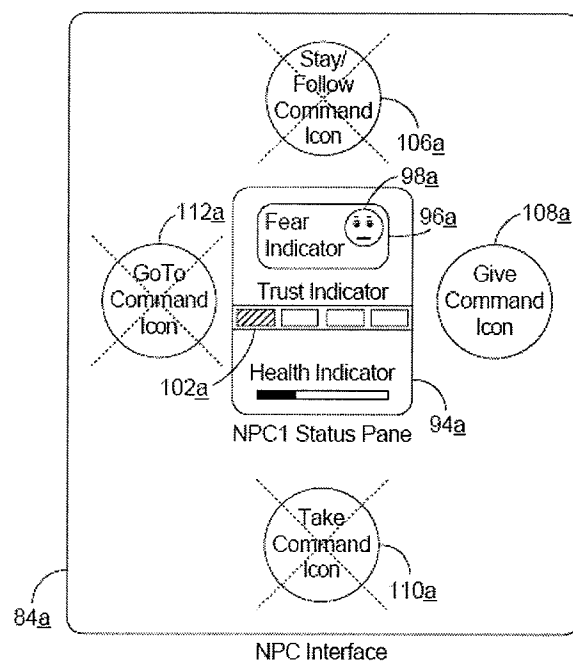

FIG. 6

Fig. 6 illustrates a non-player character interface in which various emotional state indicators are shown, including a fear indicator 96 and a trust indicator 100, as well as an emotional state change icon 92, and various command icons, including stay/follow command icon 106 and take command icon 110, give command icon 108, and goto

command icon 112. Additionally, as stated in the paragraph [0037] of the detailed description reproduced below, the real-time game play may be suspended when the non-player character interface (i.e. squad interface) is displayed.

> **[0037]** Returning to **FIG. 2,** squad interface **82** is typically accessed by a predetermined command that suspends real-time game play in interface **80,** and causes squad interface **82** to be displayed. Squad interface **82** includes a plurality of

Fall Out 2 does not teach or suggest such a method. Specifically, Fall Out 2 does not teach or suggest,

> "displaying a non-player character interface including an emotional state indicator that indicates a current emotional state of the non-player character and one or more user selectable command icons for issuing a command to a non-player character by a user commanded player character, wherein the real-time game play interface is suspended when the non-player character interface is displayed;"

No such non-player character interface is displayed in Fall Out 2. Additionally, Fall Out 2 does not teach or suggest,

> "adjusting a current emotional state of the non-player character based on the game event in the non-player character interface; and selecting a non-player character reaction based on the current emotional state of the non-player character; wherein if the current emotional state of a non-player character reaches a predetermined state, the non-player character becomes unable to respond to one or more commands of the player character, and one or more corresponding command icons is displayed as unselectable in the non-player character interface, by altering an appearance of the one or more command icons."

The aforementioned claimed elements create a richer gaming environment in which variation in game play can occur through enhanced squad interaction.

In contrast, Fall Out 2 teaches primitive interaction between the members of the squad (i.e. the player characters and the non-player characters). The non-player characters in Fall Out 2 simply react to various events within the game and do not react based on a non-player character emotional state. For example, the slaver elicits a single reaction from Sulik (i.e. attacking the slaver) every time the two characters interact, preventing variation in game play. The reaction does not correspond to a current emotional state of the non-player character.

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Baldur's Gate 2 fails to cure the deficiencies of Fall Out 2, as noted above. Although a number of gaming events (i.e. good choices) in Baldur's Gate 2 may affect the interaction between the squad members (i.e. the player character and Edwin), the "good choices" do not correspond to an emotional state of a non-player character, because no indication of an emotional state is displayed in Baldur's Gate 2.

Furthermore, Applicant believes that "the non-player character becoming unable to respond to one or more commands of the player character," as recited in claim 1, is not analogous to a non-player character leaving the squad in Baldur's Gate 2, as asserted by the Examiner. Leaving the squad prevents any future interaction between the player character and the non-player character from occurring. In the present disclosure, a player character may not be able to perform a single command, leaving other commands selectable via the player character, when a current emotional state of a non-player character reaches a predetermined state, thereby allowing future interaction between squad members to occur.

The Sims fails to cure the aforementioned deficiencies. Firstly, The Sims is not a squad based game. A single player character is controlled via the user in The Sims. It would not have been obvious at the time to incorporate the various emotional indicators and user selectable icons from The Sims into a squad based game, such as Fall Out 2 or Baldur's Gate 2. Many difficult programming challenges would have to be overcome to combine the emotional indicators and user selectable icons from The Sims into a squad based game, such as Fall Out 2 or Baldur's Gate 2. In particular, the way in which gaming events effect the interaction between the player character and non-player character with regard to various commands controlling the non-player characters would not have been obvious at the time, due to the infinite number of possible interactions that a game designer could select.

Secondly, The Sims does not teach or suggest,

> "displaying a non-player character interface including an emotional state indicator that indicates a current emotional state of the non-player character and one or more user selectable command icons for issuing a command to a non-player character by a user commanded player character, wherein the real-time game play interface is suspended when the non-player character interface is displayed;"(as recited in claim 1)

In contrast, The Sims teaches an interface in which an emotional indicator and user selectable command icons are displayed during real-time game play. Incorporating emotional indicators and user selectable icons into a real-time game play interface in a squad based game would be cumbersome and impractical due to the large amount of graphical icons which would be displayed. For at least these reasons, the rejection of claim 1 should be withdrawn.

Claims 2 and 10-14 depend from claim 1, and thus the rejection of claims 2 and 10-14 should also be withdrawn for at least this reason. With regard to claims 37, 39, and 41, Applicant has amended these claims in a similar manner to claim 1. For at least this reason, Applicant submits that the rejection of claims 37, 39, and 41 should be withdrawn. Claim 40 depends from claim 39, and thus the rejection of claim 40 should also be withdrawn for at least this reason.

Claims 3-9, 15, 18-19, 21-30, 32, 34-36, and 38 are rejected under 35 U.S.C 103(a) as being unpatentable over Fall Out 2, Baldur's Gate 2, and The Sims as applied to claims above, and further in view of Shatterfield's Eternal Darkness: Sanity's Requiem Review.

Applicant respectfully traverses the rejection with regard to claims 3-9, 15, 18-19, 21-30, 32, and 34-35. Applicant submits that "Eternal Darkness: Sanity's Requiem" (ED:SR) fails to cure the deficiencies of Fall Out 2, Baldur's Gate 2, and The Sims, as discussed above. For example, ED:SR does not teach or suggest a squad-based game in which emotional indicators and/or command icons are displayed in a non-player character interface. In contrast, a single player character is controlled via the user in ED:SR. Thus, the rejection of claims 3-9, 15, 18-19, 21-30, 32, and 34-35 should be withdrawn for at least this reason.

With regard to claim 36, Applicant respectfully traverses the rejection, but nonetheless amends independent claim 36 to further distinguish the cited reference. Claim 36 has been amended is a similar manner to claim 1. Therefore, the rejection of claim 36 should be withdrawn for at least this reason. Claim 38 depends from claim 36, and thus the rejection of claim 38 should be withdrawn for at least this reason.

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New Claims 42-44

Applicant presents new claims 42-44 which depend from claim 36. As discussed above, Applicant believes claim 36 to be in condition for allowance. For at least the reason of dependence on an allowable base claim, Applicant believes claims 42-44 to be in condition for allowance.

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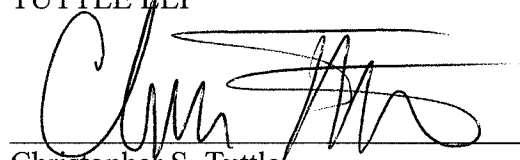   Docket No. HAV301

Conclusion

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Please charge any cost incurred in the filing of this Response, along with any other costs, to Deposit Account No. 503397.

Respectfully submitted,

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